

REMARKS/ARGUMENTS

The rejections presented in the Office Action dated June 19, 2008, (hereinafter Office Action) have been considered, and reconsideration of the pending claims and allowance of the application in view of the present response is respectfully requested.

With respect to the § 101 rejection of Claim 37, the claim has been canceled without prejudice. Claim 18 has also been canceled without prejudice, rendering any rejections of these claims moot. Applicant accordingly requests that any rejections of these claims be withdrawn.

With respect to the § 101 rejection of Claim 17, Applicant respectfully traverses. Contrary to the assertion in paragraph two of the Office Action, Claim 17 is not directed to a carrier wave. Thus, the asserted basis for the rejection is improper, and Applicant accordingly requests that the rejection be withdrawn.

In an effort to facilitate prosecution and without acquiescing to characterizations of the asserted art, Applicant's claimed subject matter, or to the applications of the asserted art or combinations thereof to Applicant's claimed subject matter, Applicant has amended each of the independent claims to indicate that the mobile terminal device includes an interface to a communication network and that the device sets up a connection to a server when an interchangeable memory has been connected to the device. Support for these changes may be found in the Specification, for example, at page 17, lines 13-24 and page 16, lines 13-22; therefore, the changes do not introduce new matter. Each of the pending claims is believed to be patentable over the asserted references for the reasons set forth below.

Each of the prior art rejections (§§ 102(e) and 103(a)) is based upon the teachings of U.S. Publication No. 2004/0204093 by Imaeda (hereinafter "Imaeda"), which fails to at least teach or suggest these limitations of the independent claims. For example, Imaeda teaches that the memory card 202 (asserted as corresponding to the claimed interchangeable memory) is provided with a wireless communication function and not the device to which the memory card 202 is attached (paragraph [0026]). Also, since Imaeda's device attached to the memory card does not have cellular communication functionality, Imaeda fails to

teach or suggest that a mobile terminal device sets up a connection to a network server when it is detected that the mobile terminal device is connected to an interchangeable memory. In addition, it is noted that a skilled artisan would not combine Imaeda's memory card 202 with a device that has a cellular network interface since the memory card 202 is a Compact Flash card and the wireless communication function added by the memory card 202 would be redundant. Without correspondence to each of the claimed limitations, prior art rejections based upon the teachings of Imaeda would be improper. Applicant accordingly requests that each of the rejections be withdrawn.

Moreover, dependent Claims 2-8, 13, 14, 16, 17, 20-23, 25, 27-29, 31, 32, 35 and 36 depend from independent Claims 1, 12, 19, and 26, respectively, and also stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Imaeda. While Applicant does not acquiesce to the particular rejection to these dependent claims, the rejection is also improper for the reasons discussed above in connection with the independent claims. These dependent claims include all of the limitations of the independent claims and any intervening claims, and recite additional features which further distinguish them from the cited reference. Therefore, the rejection of dependent Claims 2-8, 13, 14, 16, 17, 20-23, 25, 27-29, 31, 32, 35 and 36 would be improper. Applicant accordingly requests that the § 102(e) rejection be withdrawn.

With respect to the § 103(a) rejection of Claims 9-11, 15, 24, 30, 33 and 34, Applicant further traverses the taking of Official Notice. In accordance with MPEP § 2144.03, Applicant requests that the Examiner provide a reference in support of the assertion that it is well known for a digital camera of Imaeda to operate a cellular game application when the device has not been shown to have a user interface for such operation. The unsupported assertion of "Official Notice" does not overcome the above-discussed deficiencies of Imaeda and does not provide any evidence that such asserted facts would be combined with the teachings of Imaeda. Thus, the asserted teachings do not alone, or as modified, correspond to the claimed limitations, and the rejection should be withdrawn.

It should be noted that Applicant does not acquiesce to the Examiner's statements or conclusions concerning what would have been obvious to one of ordinary skill in the art,

obvious design choices, common knowledge at the time of Applicant's invention, officially noticed facts, and the like. Applicant reserves the right to address in detail the Examiner's characterizations, conclusions, and rejections in future prosecution.

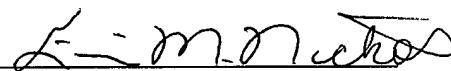
Further, Claims 1, 12, 19, and 26 have also been amended to address the format of the claim language. These changes are not made for any reasons related to patentability or to the asserted references. The changes are not intended to alter the scope of the claims and do not introduce new matter. These claims, with or without the changes, are believed to be patentable over Imaeda for the reasons set forth above.

Authorization is given to charge Deposit Account No. 50-3581 (BKS.004.WUS) any necessary fees for this filing. If the Examiner believes it necessary or helpful, the undersigned attorney of record invites the Examiner to contact the undersigned attorney to discuss any issues related to this case.

Respectfully submitted,

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